



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,231	01/18/2001	Deborah J. Phippard	3221-US	7382

26648 7590 04/08/2004
PHARMACIA CORPORATION
GLOBAL PATENT DEPARTMENT
POST OFFICE BOX 1027
ST. LOUIS, MO 63006

EXAMINER

SCHNIZER, RICHARD A

ART UNIT	PAPER NUMBER
----------	--------------

1635

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

040604

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The amendment filed 2/2/04 is not fully responsive to the prior Office action because Applicant has failed to comply with 37 CFR 1.121 which sets forth the format for amendments to the claims. In particular, claims 1, 3, and 18 fail to properly indicate what matter has been deleted and what matter has been added to the claims.

For example, Claim 1 as amended in Applicant's most recently properly filed amendment (4/28/03) read as follows:

Claim 1 (Previously Amended) A nucleic acid having a nucleotide sequence selected from the group consisting of SEQ NO: 58, or a complement thereof.

Claim 1 filed on 2/2/04 read:

1. (Currently amended) [A] An isolated nucleic acid consisting of a nucleotide sequence selected from the group consisting of SEQ ID NO: 58, or a compliment thereof.

Note that the phrase "consisting of" in the 2/2/04 submission is not underlined.

Claim 3 as amended in the submission of (4/28/03) read as follows:

Claim 3 (Currently Amended) A nucleic acid exhibiting a percentage identity of between 90% to 100% with SEQ ID 58.

Claim 3 filed 2/2/04 read:

3. (Currently amended) [A] An isolated nucleic acid exhibiting a percentage identity of [between] about 90% to about 100% with at least a 10 nucleotide region of the sequence of a nucleic acid of claim 1.

Note that the phrase "at least a 10 nucleotide region of the sequence of a nucleic acid of claim 1" is not underlined, and the phrase "SEQ ID NO:58" is not lined through or bracketed to indicate deletion.

Applicant should carefully review all claims before submission to ensure compliance with 37 CFR 1.121.

Regarding Applicant's discussion of the renumbering of claims 29-31, claim 30 was canceled by amendment in Applicant's submission filed 9/3/2002. If Applicant wishes to reintroduce the canceled subject matter, it must be reintroduced as a new claim.

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a

shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

Any inquiry concerning this communication or earlier communications from the examiner(s) should be directed to Richard Schnizer, whose telephone number is 571-272-0762. The examiner can normally be reached Monday through Friday between the hours of 6:20 AM and 3:50 PM. The examiner is off on alternate Fridays, but is sometimes in the office anyway.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, John Leguyader, be reached at 571-272-0760. The official central fax number is 703-872-9306. Inquiries of a general nature or relating to the status of the application should be directed to the Patent Analyst Trina Turner whose telephone number is 571-272-0564.

Richard Schnizer, Ph.D.



DAVE T. NGUYEN
PRIMARY EXAMINER